



USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

15. Fences

(see Zoning Ordinance § 78-517, *Fencing Standards*)

The Town of Herndon Zoning Ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

Are Fences on Private Property regulated by the Town Code?

Yes. Features such as fences, walls and retaining walls are permitted in all zoning districts. There are provisions that apply whenever a person is constructing, reconstructing, or replacing a fence. For property that lies within the Heritage Preservation Overlay District, a Certificate of Appropriateness also may be needed for a fence (see Zoning Ordinance § 78-202.8. Outside of the Heritage Preservation Overlay District, approval from the Architectural Review Board may be needed for certain fences (see Chapter 58 of the Herndon Town Code.)

This User Guide focuses on fences on property with single-family detached homes or townhouses.

What is the Basic Restriction on Fence Height?

Generally, fences may be no higher than four feet in a front yard, and no higher than seven feet elsewhere. Limitations and qualifications to this general statement do apply and are explained in Zoning Ordinance § 78-517(d).

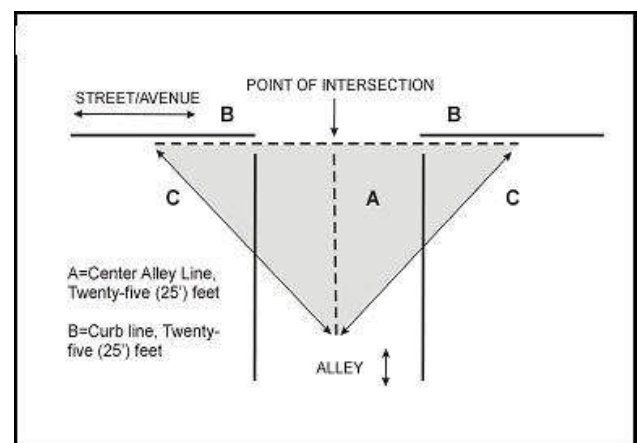
Where May a Fence be Placed on a Lot?

Location of the fence may be restricted based on the shape of the lot, whether or not it is a typical interior lot, and even the location of the adjacent home. This is explained more fully in Zoning Ordinance § 78-517(d). See also the attached illustrations.

Of primary concern for public safety is visibility at intersections for streets and driveways. Fences, walls, or other visual barriers over three feet in height above grade must be placed in such a manner as to enable and ensure the ongoing the view of pedestrians on the sidewalk and traffic vision at intersections.

Accordingly, no visual obstruction over three feet in height above grade is permitted within the 25 feet sight distance triangle created at the intersection of an alley and street. The triangle is measured from a point where the curb line and the center line of the alley meet. The distance from this point shall be 25 feet along the street curb line ("B") and 25 feet along the alley center line ("A"). The third side of the triangle ("C") connects these two sides, creating the sight distance triangle.

(1)



Similarly,

- (2) no visual obstruction over three feet in height above grade shall be permitted within the six feet sight distance triangle created at the intersection of a garage entrance and alley; and
- (3) no visual obstruction over three feet in height above grade shall be permitted within the 10 feet sight distance triangle created at the intersection of a driveway and street.

What is involved in Gaining Permission from the Town to Place a Fence in a Yard for a Single-Family Detached Home or a Townhouse?

See the accompanying table of Level of Approval Needed for Residential Fences.

Step One. Prior to visiting Town offices, check with the Homeowner's Association to make sure the proposed fence complies with the Association standards. Those standards may be more restrictive than the standards in the Town Zoning Ordinance.

Step Two. Find out if the property is in the Heritage Preservation Overlay District. Call the Department of Community Development, or check the map (at <http://www.herndon-va.gov/>, click on "What's New" then click on "Re-Write of the Zoning Ordinance, then click on Town of Herndon, Virginia – Zoning Map, Adopted March 28, 2006, effective on July 1, 2006.) See the shaded area near the center of the map, and the smaller shaded area in the upper right quarter of the map.

Step Three. If the site is outside the Heritage Preservation Overlay District on land zoned R-15 or R-10, or on land zoned Planned Development Residential District, and the subject property is used for a single-family detached dwelling, the fence may be installed without Town review as long as:

- It is not a retaining wall;
- It meets all the standards described in Zoning Ordinance § 78-517, *Fencing Standards*.
- No digging or excavation of soil in excess of 2,500 square feet occurs;
- It is not located in a restrictive easement that prohibits the placement of fences;
- Installation of the fence does not conflict with any underground utilities or drainage structures (call Miss Utility at 1-800-552-7001 to confirm.)

LEVEL OF APPROVAL NEEDED FOR RESIDENTIAL FENCES

	Building permit or land disturbing permit or both	no zoning approval needed (must meet standards)	may require plan for single lot development	ARB approval	Certificate of Approval in the HPOD
Retaining Wall	✓		✓		
Fences on lots <u>inside the Heritage Preservation Overlay District</u> . Includes construction, reconstruction, alteration, or repainting to a different color.					✓
Fences in a single-family detached residential district on a lot used for a single-family detached dwelling <u>outside</u> of the Heritage Preservation Overlay District.		✓			
Fences on townhouse lots outside the Heritage Preservation Overlay District.				✓	

Step Four. If the site is inside the Heritage Preservation Overlay District, regardless of the zoning or use, a Certificate of Appropriateness must be issued by the Town. This may or may not require a public hearing with the Heritage Preservation Review Board. It is best to discuss the proposal with the Town staff before submitting an application for a Certificate of Appropriateness.

Step Five. If the site is outside the Heritage Preservation Overlay District, for any property that

is not zoned for single-family detached dwellings and does not contain a single-family detached dwelling, application must be made to the Architectural Review Board for any fence to be constructed, reconstructed, altered or restored. This includes the repainting of a fence if the repainting results in a change of color of the fence. The application would be considered by the Architectural Review Board at a public hearing. The review and approval process may take one or two months.

Need more information?

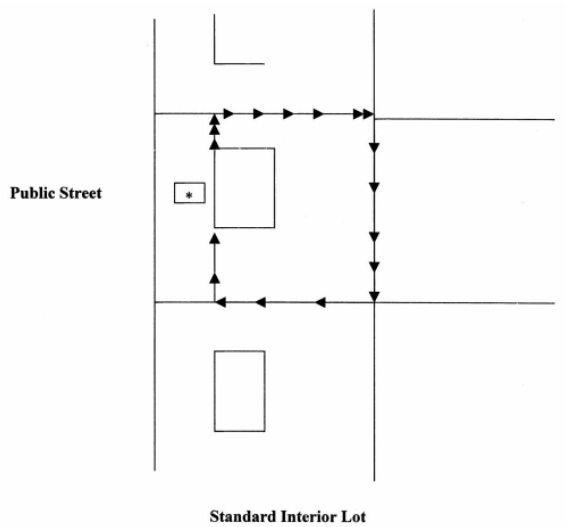
If you have questions regarding required permits, the permit process, or application requirements, call or make an appointment to see a member of the staff in the **Department of Community Development at 703-787-7380**.

If you have questions regarding Building Permits or Construction Codes, call or make an appointment to see the **Building Official at 703-435-6850**.

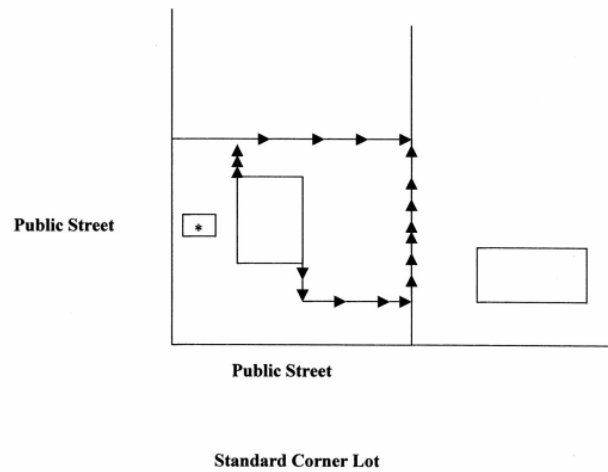
Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20172.

User's Guide to the Zoning Ordinance Series

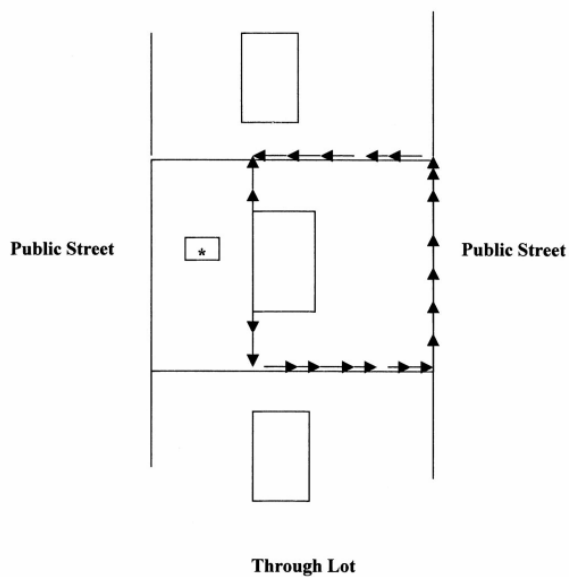
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* = Functional Front Yard

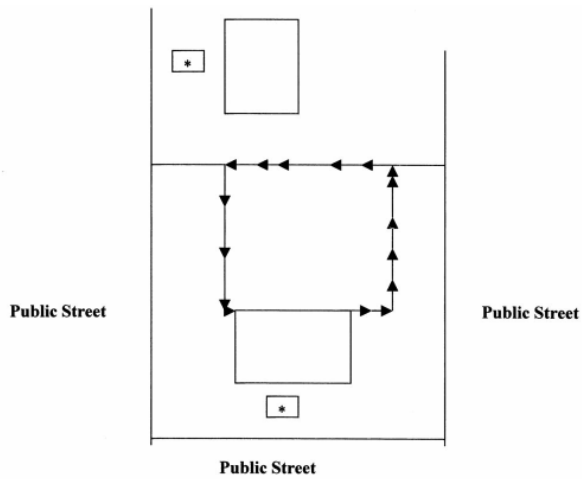


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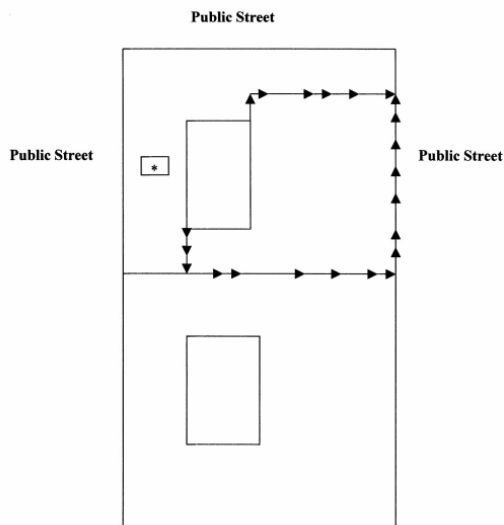
**Diagrams for
§ 78-517(D)(1)(d),
illustrating permissible
location of fences and
walls on residential
lots**



Three Sided Corner Lot
With Functional Rear Yard Abutting Adjacent Property

= Functional Front Yard

**Diagrams for
§ 78-517(D)(1)(d),
illustrating permissible
location of fences and
walls on residential
lots**



Three Sided Corner Lot
With Side Yard Abutting Adjacent Property

= Functional Front Yard